

THURSDAY, MAY 4, 1969

FORTY-SECOND LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Representative Ray Davis (Gibson).

Representative Ray Davis (Gibson) led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Usasery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Burnett was excused because of personal business.

The Speaker announced that Representative Whitson was excused because of the death of his mother.

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RULES SUSPENDED

Rep. Bragg moved that the rules be suspended for the purpose of recalling House Joint Resolution No. 228 from the Monday, May 8, 1989, Consent Calendar for immediate consideration, which motion prevailed.

*House Joint Resolution No. 0228 -- Memorials, Government Officials -- Requests commissioners to study use of emergency call boxes.

On motion of Rep. Bragg, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

*House Bill No. 0919 -- County Officers -- Permits persons other than sheriff to serve process for general sessions courts in certain counties. Amends TCA, Title 8, Ch. 8.

Further consideration of House Bill No. 919, previously considered on April 6 and April 20, 1989, at which time it was reset to the Calendar for May 4, 1989.

Rep. C. Turner (Shelby) moved that House Bill No. 919 be reset to the Calendar for Thursday, May 18, 1989, which motion prevailed.

*House Bill No. 1131 -- Alcoholic Beverages -- Expands definition of "club" to include certain recreational clubs. Amends TCA 57-4-102.

Further consideration of House Bill No. 1131, previously considered on April 10, April 13 and April 20, 1989, at which time it was reset to the Calendar for May 4, 1989.

Rep. Cain moved that House Bill No. 1131 be passed on third and final consideration.

Rep. Armstrong moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1131 by adding the following sentence of the amendatory language of Section 1(1)(C):

The alcoholic beverage commission shall not issue a license to any for-profit recreational club which restricts membership based on race or religion.

On motion, Amendment No. 1 was adopted.

Rep. Duer moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1131 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Section 57-4-102(1), is amended by adding a new subdivision as follows:

() "Club" also means a nonprofit association organized and existing under the laws of the state of Tennessee which is located in a county having a population of not less than twenty-eight thousand six hundred sixty (28,660) nor more than twenty-eight thousand six hundred ninety (28,690) according to the 1980 federal census or any subsequent federal census. Such club shall be located in a development containing no less than four hundred forty (440) acres and shall be organized and operated exclusively for the pleasure, recreation and other nonprofit purposes of its members and their guests. No part of the net earnings of the association shall inure to the benefit of any shareholder or member. The club shall provide to its members a regulation golf course, tennis courts, and a swimming pool. The club shall own, hire or lease a building or buildings for the reasonable use of its members with suitable kitchen and dining room space and equipment. Such club shall maintain and use a sufficient number of employees for cooking, preparing and serving meals for its members and guests. No member or officer, agent or employee of the club shall be paid, or directly or indirectly receive in the form of salary or other compensation any profits from the sale of alcoholic beverage or malt beverage beyond the amount of such salary as may be fixed by its members at an annual meeting, or by its governing body out of the general revenues of the club. For the purpose of this section, tips which are added to the bills under club regulations shall not be considered as profits hereunder. The alcoholic beverage commission shall have specific authority through rules and regulations to define with specificity the terms used herein and to impose additional requirements upon applicants seeking a club license not inconsistent with this definition.

On motion, Amendment No. 2 was adopted.

Rep. Moody moved to amend as follows:

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Amendment No. 3

Amend House Bill No. 1311 by deleting from the first sentence of the amendatory language of Section 1 the language "which is located in a county with a population in excess of one hundred fifty thousand (150,000) according to the 1980 federal census or any subsequent federal census".

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Cain moved that House Bill No. 1131, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	50
Noes.	42
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Buck, Cain, Chiles, Collier, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Head, Henry (Roane), Hillis, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Wix, Yelton, Mr. Speaker Murray -- 50.

Representatives voting no were: Anderson, Bivens, Bragg, Byrd, Callicott, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Herron, Hobbs, Holcomb, Holt, McAfee, McDaniel, Moody, Niceley, Nuber, Pinion, Ridgeway, Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), West, Winningham, Wolfe, Wood -- 42.

Representatives present and not voting were: Good -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 1131 and have this statement entered in the Journal.

Rep. James M. Henry

REGULAR CALENDAR, CONTINUED

*House Joint Resolution No. 0023 -- Memorials, Government Officials -- Encourages department of general services to initiate programs requiring the conservation and recycling of certain waste materials.

Rep. Love moved that House Joint Resolution No. 23 be adopted, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

*House Joint Resolution No. 0035 -- Memorials, Government Officials -- Encourages development of a pilot program in Davidson County which makes available unsold state foods to organizations charged with feeding the needy.

Rep. Love moved that House Joint Resolution No. 35 be adopted, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell,

Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0433 -- Hospitals and Health Care Facilities -- Requires certification of persons who serve as chief administrators of residential homes for the aged. Amends TCA, Title 68.

On motion, House Bill No. 433 was made to conform with Senate Bill No. 300.

On motion, Senate Bill No. 300, on same subject, was substituted for House Bill No. 433.

Rep. Pruitt moved that Senate Bill No. 300 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 300 by adding the following language after the first sentence of Section 1:

The provisions of this act shall not apply to any individual licensed as a nursing home administrator pursuant to the provisions of Tennessee Code Annotated, Title 63, Chapter 16.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pruitt moved that Senate Bill No. 300, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	5
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King,

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Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Callicott, Harrill, Haun, Hawkins, Severance -- 5.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

House Bill No. 1013 -- Insurance Companies, Agents, Brokers -- Permits insurers not to use workers' compensation insurance rates filed on their behalf by rate service organizations. Amends TCA, Title 56, Ch. 5, Pt. 3.

Rep. Jackson moved that House Bill No. 1013 be passed on third and final consideration.

Rep. Jackson moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1013 by DELETING Sections 1 through 4 of the bill and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 56-5-313(b), is amended by deleting the word "uniform" from the first sentence.

Section 2. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1013 by adding the following language to subsection (2):

Any such filing shall use standard classifications and supplementary rate information in order to provide for uniformity and integrity of the statistical base.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Jackson moved that House Bill No. 1013, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 300 and have this statement entered in the Journal.

Rep. Floyd Crain

REGULAR CALENDAR, CONTINUED

*House Bill No. 0072 -- Personal Property -- Creates misdemeanor offense of unauthorized appropriation of photograph. Amends TCA, Title 47, Ch. 25, Pt. 11.

On motion, House Bill No. 72 was made to conform with Senate Bill No. 908.

On motion, Senate Bill No. 908, on same subject, was substituted for House Bill No. 72.

Rep. Ridgeway moved that Senate Bill No. 908 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 908 by adding the following to the end of the amendatory language of Section 1:

In the event Senate Bill 1194/House Bill 662 is enacted, the offense created by this act shall be a Class C misdemeanor.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ridgeway moved that Senate Bill No. 908, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callcott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DeRiest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

*House Bill No. 0376 -- Divorce and Annulment -- Revises period of continuous separation necessary to constitute a ground for divorce. Amends TCA 36-4-101.

Rep. Buck moved that House Bill No. 376 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	9

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Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 86.

Representatives voting no were: Byrd, Callicott, Clark, Haun, Herron, Niceley, Nuber, Williams, Wood -- 9.

A motion to reconsider was tabled.

House Bill No. 0937 -- Tort Liability -- Abolishes common law tort of alienation of affections. Amends TCA 28-3-105.

Rep. Buck moved that House Bill No. 937 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	71
Noes.	21
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Cain, Callicott, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Ellis, Garrett, Givens, Gunnels, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Pinion, Purcell, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 71.

Representatives voting no were: Byrd, Clark, DeBerry, Dixon, Duer, Gaia, Halteman, Haun, Herron, Jones, R. (Shelby), Jones, U. (Shelby), King, McAfee, Nuber, Odum, Phillips, Pruitt, Robinson (Washington), Stamps, Turner, L. (Shelby), Wood -- 21.

Representatives present and not voting were: Good, Robinson (Hamilton) -- 2.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 937 and have this statement entered in the Journal.

Rep. Joseph E. Armstrong

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 376 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 376 and have this statement entered in the Journal.

Rep. Gary Odom

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 376 and have this statement entered in the Journal.

Rep. Randall Stamps

REGULAR CALENDAR, CONTINUED

*House Bill No. 0732 -- Telecommunications -- Revises taxation of telecommunications industry. Amends TCA, Title 65, Ch. 5, Pt. 2, 65-29-129, 67-5-501, 67-5-1302, 67-6-102; Title 67, Ch. 6, Pt. 3, 67-6-313, 67-6-507. Repeals TCA 67-4-407.

On motion, House Bill No. 732 was made to conform with Senate Bill No. 1204.

On motion, Senate Bill No. 1204, on same subject, was substituted for House Bill No. 732.

Rep. Kisber moved that Senate Bill No. 1204 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 1204 by substituting language for subsection (25) in the amendatory language of Section 5 so that the subsection shall read as follows:

(25) "Telecommunication" means communication by electric or electronic transmission of impulses.

(A) The term includes transmission by or through any media such as wires, cables, microwaves, radio waves, light waves or any combination of those or similar media.

(B) Except as provided below, the term includes, but is not limited to, all types of telecommunication transmissions such as telephone service, telegraph service, telephone service sold by hotels or motels to their customers or to others, telephone service sold by colleges and universities to their students or to others, telephone service sold by hospitals to their patients or to others, WATS service, paging services, value added networks, and cable television service sold to customers or to others by hotels or motels.

(C) The term does not include public pay telephone services, television or radio programs which are broadcast over the airways for public consumption, coaxial cable television (CATV) services which are offered for public consumption, interstate WATS service and private line service.

AND FURTHER AMEND by adding language to the end of the amendatory language of Section 5 as follows:

(29) "Wide Area Telecommunication Service" or "WATS Service" or "WATS Type Service" means a telecommunications service dedicated to long distance communication for which a special contract charge for long distance communication is made.

(30) "Private Line Service" means a dedicated line service which is provided to connect two (2) or more specific locations.

AND FURTHER AMEND by adding a new section to be appropriately designated as follows:

SECTION ____ Tennessee Code Annotated, Title 67, Chapter 6, is amended by adding a new section as follows.

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Notwithstanding other provisions of this chapter, state tax with respect to interstate telecommunications services shall be imposed at the rate of five and one-half percent (5.5%).

AND FURTHER AMEND by adding another new section to be appropriately designated as follows:

SECTION ____ Tennessee Code Annotated, Title 67, Chapter 6, is amended by adding a new section as follows:

Notwithstanding any other provisions of this chapter, local tax with respect to interstate telecommunications services, which are subject to state tax, shall be imposed at the rate of one and one-half percent (1.5%).

AND FURTHER AMEND by substituting language for subsection (a) in the amendatory language of Section 7 as follows:

(a) Charges made by local exchange carriers to interexchange carriers and long distance resellers for providing access to the local exchange area and charges made by local exchange carriers to cellular telephone companies for interconnection to the landline network are exempt from the tax imposed by this chapter.

AND FURTHER AMEND by substituting language for the first sentence of subsection (13)(A) in the amendatory language of Section 5 so that sentence as amended shall read as follows:

(13)(A) "Retail Sales" or a "sale at retail" means a taxable sale of tangible personal property or specifically taxable services to a consumer or to any person for any purpose other than for resale.

AND FURTHER AMEND by substituting language for Section 8 thereof so that section shall read as follows:

SECTION 8. Tennessee Code Annotated, Section 67-6-507, is amended by adding language thereto as follows:

() In order to prevent actual multistate taxation of the acts and privileges subject to tax under this chapter, any taxpayer, upon proof acceptable to the commissioner being submitted that the taxpayer has properly paid tax on the privilege of sale or usage in another state on such acts as privileges, shall be allowed a credit against the tax imposed by this chapter to the extent of the amount of such tax properly due and paid in another state.

On motion, Amendment No. 1 was adopted.

Rep. Ellis moved the previous question, which motion prevailed.

Thereupon, Rep. Kisber moved that Senate Bill No. 1204, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	77
Noes.	16
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Good, Harrill, Hawkins, Head, Henry (Putnam), Herron, Hillis, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton; Mr. Speaker Murray -- 77.

Representatives voting no were: Anderson, Callicott, Duer, Givens, Gunnels, Halteman, Hassell, Maur, Henry (Roane), Holcomb, McDaniel, Niceley, Odom, Sipes, Stamps, West -- 16.

Representatives present and not voting were: Hobbs -- 1.

A motion to reconsider was tabled.

House Bill No. 0977 -- Motor Vehicles -- Revises minimum fine for overweight commercial vehicles. Amends TCA, Titles 55, 56.

Rep. Ellis moved that House Bill No. 977 be reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

House Bill No. 1164 -- Attorneys at Law -- Enacts "Legal Service Organization Act of 1989".

Rep. West moved that House Bill No. 1164 be reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

House Bill No. 0816 -- Education, Higher -- Revises certain provisions of chairs of excellence program. Amends TCA, Title 49, Ch. 7, Pt. 5.

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On motion, House Bill No. 816 was made to conform with Senate Bill No. 728.

On motion, **Senate Bill No. 728**, on same subject, was substituted for House Bill No. 816.

Rep. Bragg moved that Senate Bill No. 728 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Bragg moved that Senate Bill No. 728 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 0043 -- Sunset Laws --** Extends termination date of board of paroles. Amends TCA, Title 4, Chs. 3, 5, 29; Title 8, Ch. 7; Title 38, Ch. 6; Title 39, Ch. 3; Title 40; Title 41, Ch. 1.

On motion, House Bill No. 43 was made to conform with Senate Bill No. 179.

On motion, **Senate Bill No. 179**, on same subject, was substituted for House Bill No. 43.

Rep. King moved that Senate Bill No. 179 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Coffey -- 1.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1204 and have this statement entered in the Journal.

Rep. Ronnie E. Davis

REGULAR CALENDAR, CONTINUED

House Bill No. 0348 -- County Government -- Includes local governments in The Equal Access to Justice Act of 1984. Amends TCA, Title 29, Ch. 37.

On motion, House Bill No. 348 was made to conform with Senate Bill No. 208.

On motion, Senate Bill No. 208, on same subject, was substituted for House Bill No. 348.

Rep. Chiles moved that Senate Bill No. 208 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 208 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 29-37-103(2), is amended by adding the following at the end thereof:

"Small business" shall also include any neighborhood or homeowners' association which is an entity that is:

(A) Not-for-profit;

(B) Supported solely by contributions, membership fees assessed to residents of a defined geographical area and/or fund-raising activities sponsored by the association; and

(C) Does not employ more than ten (10) persons on a full-time basis on the date the civil action was filed.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chiles moved that Senate Bill No. 208, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representatives voting no were: Webb -- 1.

A motion to reconsider was tabled.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

House Bill No. 1082 -- Pensions and Retirement Benefits -- Allows certain teachers to transfer membership to TCRS. Amends TCA 8-35-317.

Rep. Severance moved that House Bill No. 1082 be reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

House Bill No. 1272 -- Optometry -- Revises operation and procedures of optometry board. Amends TCA 63-8-103, 105, 107, 110--115, 119, 120, 122, 131, 132.

At the request of Rep. Burnett, House Bill No. 1272 was reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

House Bill No. 0465 -- Liens -- Makes lien for costs of condemned property payable as part of property tax bill. Amends TCA, Title 13, Ch. 21.

On motion, House Bill No. 465 was made to conform with Senate Bill No. 500.

On motion, Senate Bill No. 500, on same subject, was substituted for House Bill No. 465.

Rep. Love moved that Senate Bill No. 500 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

House Bill No. 1015 -- Insurance, Motor Vehicles -- Authorizes recovery under uninsured motorist coverage in certain circumstances. Amends TCA 56-7-1201.

On motion, House Bill No. 1015 was made to conform with Senate Bill No. 1219.

On motion, Senate Bill No. 1219, on same subject, was substituted for House Bill No. 1015.

Rep. Jackson moved that Senate Bill No. 1219 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 500 and have this statement entered in the Journal.

Rep. David Shirley

REGULAR CALENDAR, CONTINUED

House Bill No. 0746 -- County Officers -- Restricts eligibility to hold office of sheriff. Amends TCA 8-18-101.

On motion, House Bill No. 746 was made to conform with Senate Bill No. 296.

On motion, Senate Bill No. 296, on same subject, was substituted for House Bill No. 746.

Rep. Jackson moved that Senate Bill No. 296 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which was objected to by Rep. Buck, which motion prevailed by the following vote:

Ayes. 73
Noes. 22

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 73.

Representatives voting no were: Armstrong, Buck, Callicott, Chiles, Copeland, DeBerry, Dixon, Ellis, Haun, Hawkins, Henry (Roane), Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Nuber, Peroulas, Scruggs, Turner, L. (Shelby), Ussery, Williams, Wix -- 22.

Thereupon, Rep. Jackson moved that Senate Bill No. 296 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 88
Noes. 7

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

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Representatives voting no were: Copeland, DeBerry, Dixon, Jones, R. (Shelby), King, Pruitt, Turner, L. (Shelby) -- 7.

A motion to reconsider was tabled.

*House Bill No. 0086 -- Solid Waste Disposal -- Prohibits expansion of certain land fills. Amends TCA, Title 68, Ch. 31.

Further consideration of House Bill No. 86, previously considered on April 27, 1989, at which time the motion was made to adopt Amendment No. 1 and the bill was reset to the Calendar for May 4, 1989.

Rep. Love moved that House Bill No. 86 be reset to the Calendar for first available space in February, 1990, which motion prevailed.

*House Bill No. 1138 -- State Employees -- Increases number of applicants certain departments may choose from when filling positions. Amends TCA 8-30-309.

Further consideration of House Bill No. 1138, previously considered on April 27, 1989, at which time it was reset to the Calendar for May 4, 1989.

Rep. Crain moved that House Bill No. 1138 be reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

House Bill No. 0374 -- Insurance Companies, Agents, Brokers -- Excludes title insurance business from certain disclosures required of personal service providers. Amends TCA, Title 47, Ch. 18, Pt. 11.

Further consideration of House Bill No. 374, previously considered on May 1, 1989, at which time it was reset to the Calendar for May 4, 1989.

Rep. Buck moved that House Bill No. 374 be reset to the Calendar for the last Calendar day of this year, which motion prevailed.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1136; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 0871 -- Insurance, Motor Vehicles -- Prohibits automobile insurance companies from increasing premiums under certain circumstances. Amends TCA 56-7-1109.

On motion, House Bill No. 871 was made to conform with Senate Bill No. 1136.

On motion, Senate Bill No. 1136, on same subject, was substituted for House Bill No. 871.

Rep. Shirley moved that Senate Bill No. 1136 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1136 by deleting from the second sentence of the amendatory language of Section 1 the language "insurance or premiums" and by substituting instead the language "personal automobile insurance or premiums".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Shirley moved that Senate Bill No. 1136, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

House Bill No. 0272 -- Judges and Chancellors -- Creates commission to establish salaries for judicial secretaries. Amends TCA, Title 17, Ch. 1, Pt. 4.

Rep. Davis (Knox) moved that House Bill No. 272 be reset to the Calendar for Thursday, May 11, 1989, which motion prevailed.

CONSENT CALENDAR

House Joint Resolution No. 0353 -- Memorials, Personal Achievement -- Congratulates Marjorie Gorman, Martin Westview High School Valedictorian.

House Joint Resolution No. 0354 -- Memorials, Personal Achievement -- Congratulates Margaret Elizabeth Shannon, Dresden High School Valedictorian.

House Joint Resolution No. 0357 -- Memorials, Personal Achievement -- Honors Francis Guess, Irby Simpkins and Albert Werthan on receiving Humans Relations Awards from National Conference of Christians and Jews.

House Joint Resolution No. 0358 -- Memorials, Interns and Pages -- Honors Julia Rose Collisson, 1989 legislative intern.

House Joint Resolution No. 0359 -- Memorials, Interns and Pages -- Honors Theresa "Terry" E. Phillips, 1989 legislative intern.

House Joint Resolution No. 0361 -- Memorials, Heroism -- Honors CSM Paul B. Huff, first paratrooper to receive medal of honor.

House Joint Resolution No. 0362 -- Memorials, Public Service -- Congratulates Harold G. Woods on receipt of 1989 Joseph A. Beirne Community Service Award.

House Joint Resolution No. 0363 -- Memorials, Personal Achievement -- Congratulates Leslee Bartrem for winning first place in Rachel Jackson essay contest.

House Joint Resolution No. 0364 -- Memorials, Congratulations -- Congratulates Patricia Murphy Bryant on passing Tennessee Bar.

House Joint Resolution No. 0365 -- Memorials, Public Service -- Honors Raymond Allen Lasater for volunteer work at Lebanon High School.

House Joint Resolution No. 0366 -- Memorials, Retirement -- Commends Albert M. Miller, Jr., on fifty years service as organist with Thompson Chapel AME Zion Church.

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House Joint Resolution No. 0367 -- Memorials, Professional Achievement -- Congratulates Professor Tommie Brown, first recipient of Horace J. Traylor Minority Leadership Award.

House Joint Resolution No. 0368 -- Memorials, Public Service -- Honors Orchard Knob Missionary Baptist Church.

House Joint Resolution No. 0369 -- Memorials, Public Service -- Honors Wilbert Eugene Nelson for contributions to community.

Senate Joint Resolution No. 0215 -- Memorials, Recognition and Thanks -- Honors Mario Ferrari, world renown restaurateur and wine connoisseur.

Senate Joint Resolution No. 0238 -- Memorials, Interns and Pages -- Honors Anna Maria Gibson, 1989 legislative intern.

Senate Joint Resolution No. 0239 -- Memorials, Recognition and Thanks -- Congratulates Cannon County Rural Development Committee on being named outstanding rural development committee.

Senate Joint Resolution No. 0241 -- Memorials, Interns and Pages -- Honors Michelle E. Miller, 1989 legislative intern.

Senate Joint Resolution No. 0242 -- Memorials, Interns and Pages -- Honors Machelle McKinnie, 1989 legislative intern.

Senate Joint Resolution No. 0245 -- Memorials, Condolence -- Honors memory of Miss Iva Butler.

Senate Joint Resolution No. 0248 -- Memorials, Congratulations -- Honors Islamic Center, Nashville's first true mosque.

Senate Joint Resolution No. 0273 -- Memorials, Interns and Pages -- Recognizes Carl L. Shafer, 1989 legislative intern.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman,

Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0652 -- Taxes, Gasoline, Petroleum Products -- Revises bond and refund provisions of Fuel Tax Law. Amends TCA 67-3-704, 707, 708.

Senate Amendment No. 1

Amend House Bill No. 652 by substituting language for Section 4 thereof as follows:

SECTION 4. This act shall take effect July 1, 1989 except for the amendatory language of Section 1 which amends the first sentence of Tennessee Code Annotated, Section 67-3-704 which shall take effect July 1, 1990. The provisions of Section 3 shall only to any claim for refund submitted on or after July 1, 1989 which relates to an excessive payment of tax made during a tax quarter ending on or after December 31, 1988.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway,

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Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION

Rep. Copeland moved that the House direct all standing committees to conclude their business by May 19, 1989, except for the Calendar and Rules Committee, unless otherwise authorized by the Delayed Bills Committee, which motion prevailed by the following vote:

Ayes.	64
Noes.	26
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Garrett, Givens, Good, Gunnels, Halteman, Harrill, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Kent, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Phillips, Pinion, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stamps, Starnes, Webb, West, Wheeler, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 64.

Representatives voting no were: Buck, Byrd, Cain, Davidson, DePriest, Dixon, Ellis, Gaia, Hassell, Henry (Putnam), Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Niceley, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Shirley, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Wolfe -- 26.

Representatives present and not voting were: DeBerry, Miller -- 2.

The Speaker announced that the motion prevailed as an expression of the will of the House.

RULES SUSPENDED

Rep. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 386 out of order, which motion prevailed.

House Joint Resolution No. 0386 -- Memorials, Personal Occasion -- Congratulates J. G. and Ellen Patterson on fiftieth wedding anniversary. by *Wheeler, *Cross, *Coffey.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kernell moved that the rules be suspended for the purpose of introducing House Resolution No. 52 out of order, which motion prevailed.

House Resolution No. 0052 -- Memorials, Professional Achievement -- Honors recipients of United Music Heritage Music Pioneer Awards. by *Kernell, *Jones R.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kernell, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE BILL REFERRED

Rep. Bragg moved that House Bill No. 754 be recalled from the Finance, Ways and Means Committee and referred to the Transportation Committee, which motion prevailed.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend Rule No. 81(1), so that House Bill No. 754 could be heard in the Transportation Committee immediately after Session today, which motion prevailed.

MOTION

Rep. Naifeh move that the House meet at 4:00 p.m., on Monday, May 8, 1989, which motion failed by the following vote:

Ayes.	39
Noes.	43
Present and not voting.	8

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Representatives voting aye were: Cain, Clark, Davidson, DePriest, Duer, Ellis, Gaia, Garrett, Givens, Halteman, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Jones, U. (Shelby), Kent, King, Kisber, McDaniel, Moore (Lawrence), Naifeh, Napier, Niceley, Peroulas, Pinion, Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), West, Williams, Wix -- 39.

Representatives voting no were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Coffey, Collier, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Good, Gunnels, Hassell, Henry (Putnam), Hubbard, Jackson, Jones, R. (Shelby), Kernell, McAfee, Miller, Moody, Moore (Shelby), Nuber, Odom, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Turner, C. (Shelby), Turner, L. (Shelby), Webb, Winningham, Wolfe, Wood, Yelton -- 43.

Representatives present and not voting were: Bragg, Chiles, Harrill, Haun, Love, Ridgeway, Ussery, Mr. Speaker Murray -- 8.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1053: Rep(s). Cain, Head, Kent, Love, Moody, Purcell, Robinson Robb and Wix added as prime sponsor(s).

House Joint Resolution No. 357: Rep(s). Ellis and West added as prime sponsor(s).

House Joint Resolution No. 358: Rep(s). Henry Dwight added as prime sponsor(s).

ANNOUNCEMENTS

The Chief Clerk announced that Engrossed Senate Bill No. 1135 (House Bill No. 1107) and amendments filed to date have been placed on each member's desk pursuant to Rep. Rhinehart's motion on Wednesday, May 3, 1989.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0048 -- Memorials, Public Service -- Expresses appreciation to Fisk University Board of Trustees. by *Love, *Pruitt.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

The Speaker referred House Resolution No. 48 to the Calendar and Rules Committee.

House Resolution No. 0050 -- General Assembly, Statement of Intent Or Position -- Creates House ethics committee. by *Robinson Robb, *Yelton, *Gaia.

The Speaker referred House Resolution No. 50 to the State and Local Government Committee.

House Joint Resolution No. 0370 -- Memorials, Congratulations -- Recognizes Rogersville on the occasion of their 200th anniversary. by *Givens.

The Speaker referred House Joint Resolution No. 370 to the Calendar and Rules Committee.

House Joint Resolution No. 0371 -- Memorials, Sports -- Honors Coach David Cohea and Jo Byrns High School girls' basketball team, TSSAA Class A State Tournament participants. by *Davidson.

The Speaker referred House Joint Resolution No. 371 to the Calendar and Rules Committee.

House Joint Resolution No. 0377 -- Memorials, Government Officials -- Urges Governor to create aviation study committee. by *Ridgeway.

The Speaker referred House Joint Resolution No. 377 to the Transportation Committee.

House Joint Resolution No. 0378 -- General Assembly, Studies -- Creates legislative committee to study victims rights. by *West, *Ellis, *Kent, *Halteman.

The Speaker referred House Joint Resolution No. 378 to the Judiciary Committee.

House Joint Resolution No. 0381 -- Memorials, Professional Achievement -- Honors Lillian Davis Robinson, 1988-1989 "Silhouette of the Year". by *Robinson C B, *Turner B, *Starnes, *Wood, *McAfee, *Copeland, *DeBerry.

The Speaker referred House Joint Resolution No. 381 to the Calendar and Rules Committee.

House Joint Resolution No. 0382 -- Memorials, Sports -- Honors Coach David Collie and East Robertson High School boys' basketball, TSSAA Class A State Tournament winners. by *Davidson.

The Speaker referred House Joint Resolution No. 382 to the Calendar and Rules Committee.

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House Joint Resolution No. 0383 -- Memorials, Interns and Pages
-- Honors Carla Denise Warner, 1989 legislative intern. by
*Hassell, *Nuber.

The Speaker referred House Joint Resolution No. 383 to the
Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Senate Joint Resolution No. 0250 -- Memorials, Retirement --
Honors Walter Perry upon retirement from the Tennessee State Prison
vocational instruction program.

The Speaker referred Senate Joint Resolution No. 250 to the
Calendar and Rules Committee.

Senate Joint Resolution No. 0251 -- Memorials, Congratulations
-- Honors Stephanie Murphy, elected Speaker of Senate for 1990 4-H
Congress.

The Speaker referred Senate Joint Resolution No. 251 to the
Calendar and Rules Committee.

Senate Joint Resolution No. 0253 -- Memorials, Public Service
-- Honors John U. Wilson on service as chairman and member of the
State Fair Board.

The Speaker referred Senate Joint Resolution No. 253 to the
Calendar and Rules Committee.

Senate Joint Resolution No. 0254 -- Memorials, Professional
Achievement -- Honors Frank and Eva Varallo, Jr., proprietors of
Varallo's on winning Silver Spoon Award.

The Speaker referred Senate Joint Resolution No. 254 to the
Calendar and Rules Committee.

Senate Joint Resolution No. 0255 -- Memorials, Interns and
Pages -- Honors David Ronald Hudgins, 1989 legislative intern.

The Speaker referred Senate Joint Resolution No. 255 to the
Calendar and Rules Committee.

Senate Joint Resolution No. 0256 -- Memorials, Public Service
-- Honors Honorable James M. Swiggart on 23 years of service as
Circuit Court Judge of Davidson County.

The Speaker referred Senate Joint Resolution No. 256 to the
Calendar and Rules Committee.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

Senate Joint Resolution No. 0258 -- Memorials, Interns and Pages -- Honors Terence Neil Fails, Jr., 1989 legislative intern.

The Speaker referred Senate Joint Resolution No. 258 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0259 -- Memorials, Interns and Pages -- Honors Leanne Pierson Whitis, 1989 legislative intern.

The Speaker referred Senate Joint Resolution No. 259 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0260 -- Memorials, Interns and Pages -- Honors Kendra Greene, 1989 legislative page.

The Speaker referred Senate Joint Resolution No. 260 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 1517 -- Hardeman County -- Revises purchasing law. Repeals Chapter 239, Private Acts of 1937, as amended. by *Stallings.

Passed first consideration.

House Bill No. 1518 -- Bedford County -- Authorizes county board of education to establish opening date of school term. by *Phillips.

Passed first consideration.

***House Bill No. 1519** -- Water Pollution -- Creates exemption to Water Quality Control Act under certain circumstances. Amends TCA, Title 69, Ch. 3, Pt. 1. by *Armstrong.

Passed first consideration.

House Bill No. 1520 -- Portland -- Increases number of city council meetings. Amends Chapter 568, Private Acts of 1939, as amended. by *Wix.

Passed first consideration.

House Bill No. 1521 -- Sumner County -- Removes probate jurisdiction from general sessions court. Amends Chapter 236, Private Acts of 1982. Repeals Chapter 232, Private Acts of 1982. by *Wix.

Passed first consideration.

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House Bill No. 1522 -- Oneida -- Authorizes City of Oneida to own and operate cable TV. Amends Chapter 211, Private Acts of 1917, as amended. by *Winningham.

Passed first consideration.

House Bill No. 1526 -- Lincoln County -- Authorizes county board of education to establish opening date of school term. by *Phillips, *DePriest.

Passed first consideration.

House Bill No. 1527 -- Marshall County -- Authorizes county board of education to establish opening date of school term. by *Phillips, *DePriest.

Passed first consideration.

House Bill No. 1528 -- Johnson City -- Changes name of Downtown Development Authority Board; increases number of commissioners. Amends Chapter 52, Private Acts of 1985. by *Good.

Passed first consideration.

House Bill No. 1529 -- Bradley County -- Raises litigation tax. Amends Chapter 205, Private Acts of 1980. by *Bivens, *Harrill.

Passed first consideration.

House Bill No. 1530 -- Hamilton County -- Sets juror compensation. Amends Chapter 347, Private Acts of 1937, as amended. by *Wood, *Starnes, *Robinson C B, *Turner B, *Copeland, *McAfee.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1511 -- Baxter -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1512 -- Carter County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1513 -- Lexington -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1514 -- Lexington -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

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House Bill No. 1515 -- Election Laws -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 1516 -- Centerville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1523 -- Bond Issues -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 1524 -- Indigents -- Passed second consideration and referred to the General Welfare Committee.

House Bill No. 1525 -- Taxes -- Passed second consideration and referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

EDUCATION

May 4, 1989

MR. SPEAKER: Your Education Committee begs leave to report that we have carefully considered and recommend for concurrence: Senate Joint Resolution(s) No(s). 207, 208, 209, 210, 211, 212, 213 and 214.

DAVIDSON, Chairman.

Under the rules, Senate Joint Resolution(s) No(s). 207, 208, 209, 210, 211, 212, 213 and 214; was/were transmitted to the Calendar and Rules Committee.

TRANSPORTATION

May 4, 1989

MR. SPEAKER: Your Transportation Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 754 (as amended).

ROBINSON, Chairman.

Under the rules, House Bill(s) No(s). 754 (as amended); was/were transmitted to the Calendar and Rules Committee.

ENROLLED BILLS

May 3, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 680 and 1150; House Joint Resolution(s) No(s). 297, 298, 299, 301, 303, 305, 306,

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315, 372, 373, 374, 375 and 376; and House Resolution(s) No(s). 45, 46 and 49; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
May 4, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 680 and 1150; House Joint Resolution(s) No(s). 297, 298, 299, 301, 303, 305, 306, 315, 372, 373, 374, 375 and 376; and House Resolution(s) No(s). 45, 46 and 49.

MESSAGE FROM THE SENATE
May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 626 and 1510; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 108, 123, 310, 314 and 343; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill No. 193.

The Speaker appointed a Conference Committee composed of Senators Ford, Atchley and Cooper to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 193.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1110; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 770; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

May 4, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 376, 937, 1013 and 1131; and House Joint Resolution(s) No(s). 23, 35 and 228; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 4, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 353, 354, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369 and 386; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 318, 331 and 332; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1079, 1479, 1486, 1501, 1503 and 1506; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1284; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1343; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1249; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY.

MESSAGE FROM THE GOVERNOR

May 3, 1989

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill(s) No(s). 588 and 1404; and House Joint Resolution(s) No(s). 379, with his approval.

DAVID H. WELLES,

Counsel to the Governor.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 30, 215, 680, 1150, 1305 and 1499; also, House Joint Resolution(s) No(s). 182, 263, 290, 291, 293, 294, 297, 298, 299, 301, 303, 305, 306, 309, 315, 355, 372, 373, 374, 375 and 376; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 386; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 132, 133, 134, 135, 152, 154, 155, 158, 163, 164, 182, 310, 607, 613, 620, 708, 709, 748, 964 and 1081; also, Senate Joint Resolution(s) No(s). 235, 236, 237, 243, 244, 252, 274 and 275; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 264, 293, 456, 573, 575, 622, 750, 899, 1185, 1203, 1367 and 1519; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0264 -- Fund Raising -- Provides for employment of coordinator of volunteer public education trust fund. Amends TCA, Title 49, Ch. 3, Pt. 4.

Senate Bill No. 0293 -- Race Relations -- Provides for appointment of racial minorities to the health facilities commission and to the board for licensing health care facilities. Amends TCA, Title 68.

*Senate Bill No. 0456 -- Banks and Financial Institutions -- Permits banks to receive compensation for furnishing data regarding bank customers to insurance providers. Amends TCA 56-6-149, 56-6-201.

Senate Bill No. 0573 -- Boards and Commissions -- Revises certain fees prescribed by certain agencies, boards and commissions. Amends TCA, Title 4, Ch. 3, Pt. 13; Title 56, Ch. 1, Pt. 3; Titles 62, 63.

Senate Bill No. 0575 -- Boards and Commissions -- Revises expiration dates of certain certificates and licenses issued by certain boards and commissions. Amends TCA, Title 4, Ch. 3, Pt. 13; Title 56, Ch. 1, Pt. 3; Titles 62, 63.

*Senate Bill No. 0622 -- Real Property -- Establishes method of determining effective date of conveyances of real property.

*Senate Bill No. 0750 -- Animals -- Revises regulation of exotic animals. Amends TCA, Title 70, Ch. 4, Pt. 4.

*Senate Bill No. 0899 -- Jails, Local Lock-ups -- Empowers sheriffs to issue release citations under certain circumstances. Amends TCA, Title 40, Ch. 7.

Senate Bill No. 1185 -- Taxes, Excise -- Includes corporate partner's share of certain partnership assets in determination of certain tax liability. Amends TCA 67-4-811, 67-4-906, 910.

*Senate Bill No. 1203 -- Taxes, Sales -- Exempts "cooperative direct mail advertising" from sales tax. Amends TCA, Title 67, Ch. 6.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

Senate Bill No. 1367 -- Dams -- Creates West Fork-Drake's Creek Dam and Reservoir Interstate Authority. Amends TCA, Title 12, Ch. 9; Title 64, Ch. 1.

Senate Bill No. 1519 -- Tennessee Wildlife Resources Agency -- Permits acquisition of certain upland hardwood forests known as "Koppers Properties". Amends TCA, Title 11, Ch. 14, Pt. 4, 67-4-409.

MESSAGE FROM THE SENATE

May 4, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 75, 111, 261, 265, 266, 267, 268, 282 and 283; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0075 -- General Assembly, Studies --** Continues special joint committee to study tax system created by SJR 334.

***Senate Joint Resolution No. 0111 -- Memorials, Government Officials --** Directs Office of Minority Business Enterprises to provide additional assistance to disadvantaged business enterprises.

Senate Joint Resolution No. 0261 -- Memorials, Recognition and Thanks -- Commends Richard A. Staub.

Senate Joint Resolution No. 0265 -- Memorials, Retirement -- Honors W. B. Dunbar on occasion of retirement.

Senate Joint Resolution No. 0266 -- Memorials, Sports -- Honors East Robertson High School boy's basketball coach David Collie and player Carlus Groves.

Senate Joint Resolution No. 0267 -- Memorials, Sports -- Honors Coach David Collie and East Robertson High School boys' basketball team on winning TSSAA Class A state tournament.

Senate Joint Resolution No. 0268 -- Memorials, Sports -- Congratulates Warren County Junior High School freshman cheerleaders on fine season.

Senate Joint Resolution No. 0282 -- Memorials, Professional Achievement -- Congratulates Hank Williams, Jr. on being selected ACM Entertainer of the Year for third consecutive year.

Senate Joint Resolution No. 0283 -- Memorials, Recognition and Thanks -- Commends "Pete" Kirby for his work as "Bashful Brother Oswald" at the Grand Ole Opry.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

May 4, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 30, 215, 680, 1150, 1305 and 1499; and House Joint Resolution(s) No(s). 182, 263, 290, 291, 293, 294, 297, 298, 299, 301, 303, 305, 306, 309, 315, 355, 372, 373, 374, 375 and 376; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

May 4, 1989

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 132, 133, 134, 135, 152, 154, 155, 158, 163, 164, 182, 310, 607, 613, 620, 708, 709, 748, 964 and 1081; and Senate Joint Resolution(s) No(s). 235, 236, 237, 243, 244, 252, 274 and 275.

REPORT OF COMMITTEE ON CALENDAR AND RULES

May 4, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 10, 1989: House Bill(s) No(s). 694, 192, 194 and 195.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

May 4, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 11, 1989: House Bill(s) No(s). 798, 830, 367, 249, 979, 1420, 809, 1217 and 1430.

PHILLIPS, Chairman.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 4, 1989

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1511, 1513, 1514 and 1516.

THURSDAY, MAY 4, 1989 -- FORTY-SECOND LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
May 4, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 8, 1989: House Bill(s) No(s). 814 and 781; Senate Joint Resolution(s) No(s). 201, 202, 203, 204, 205 and 206; House Resolution(s) No(s). 48; House Joint Resolution(s) No(s). 370, 371, 381, 382 and 383; House Bill(s) No(s). 1511, 1513, 1514 and 1516; Senate Joint Resolution(s) No(s) 250, 251, 253, 254, 255, 256, 258, 259 and 260.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Grain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, May 8, 1989.